IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SEVENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

-

WRIT PETITION No.6592 of 2000

Between:

Aeithaboyina Harine, D/o. Lingaiah, aged 25 years,

Occ: Student, R/o. Ramnagar, Hyderabad.

..... PETITIONER

AND

1. The N.T.R. University of Health Sciences, Vijayawada,

Krishna District, rep. by its Registrar.

2. The Principal, Dr.B.R.K.R. Government Ayurvedic College,

Erragadda, Hyderabad.

3. The Government of Andhra Pradesh, rep. by its

Principal Secretary, Health, Medical & Family Welfare Department,

Secretariat, Hyderabad.

4. M. Goutham Kumar Yadav, First year MD Ayurveda Student,

Dr.BRKR Govt.Ayurveda College, SR Nagar, Hyderabad.

(R4 is impleaded as per Court order dated 27.10.2004 in

WPMP No.12475 of 2000)

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondents in not allotting a seat to the petitioner in BC-D category or an unreserved seat in *Kayachikitsa or Salya Salakya & Prasuti Tantra* and trying to allot the unreserved category seat to the in service candidates who got lesser marks than the petitioner as bad, illegal, arbitrary and against the principles of natural justice and consequently direct the respondents to allot one seat in M.D. (Ayurveda) either *Kayachikitsa or Salya Salakya & Prasuti Tantra* to the petitioner under BC-D Category or under unreserved seat quota.

Counsel for the Petitioner: MR.C.DAMODHAR REDDY

Counsel for the Respondent No.1: DR.Y.PADMAVATHI

Counsel for the Respondent Nos.2 and 3: GP FOR HIGHER EDUCATION

The Court made the following:

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ORDER:

The petitioner herein is a graduate in B.A.M.S., (Bachelor of Ayurvedic Medicine and Surgery). She claims to belong to BC-D category. She appeared for entrance test for admission to 1st year M.D. (Ayurveda) for the academic year 1998-'99 and claimed to be obtained rank No.30. She also appeared for the counselling. However, she was not admitted. Therefore, she filed the writ petition alleging that the respondents are trying to allot the unreserved seat to the in service candidates who got lesser rank than the petitioner and seeking direction to the respondents to allot one unreserved seat to the petitioner in M.D. (Ayurveda) in Kayachikitsa or Salya Salakya & Prasuti Tantra subject. As pointed out by the learned Standing Counsel for N.T.R. University for Health Sciences, the subject matter of the writ petition relates to M.D. (Ayurveda) course for the academic year 1998-'99. Therefore, at this point of time, no direction can be granted to the respondents. The prayer made in the writ petition has become infructuous.

The writ petition is therefore dismissed. No costs.

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V.V.S. RAO, J

October 27, 2004.

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To

1. The Registrar, N.T.R. University of Health Sciences,

Vijayawada, Krishna District.

2. The Principal, Dr.B.R.K.R. Government Ayurvedic College,

Erragadda, Hyderabad.

3. The Principal Secretary, Health, Medical & Family Welfare Department,

Government of Andhra Pradesh, Secretariat, Hyderabad.

4. Two CCs to the Government Pleader for Higher Education,

High Court Buildings, Hyderabad (O.U.T)

5. Two C.D. Copies.